

REMARKS

This amendment is submitted in response to the Final Office Action dated November 27, 2006. Reconsideration and allowance of claims is requested. In this office action, at page 3, the Examiner rejected claims 1-17 upon two inconsistent bases. First, the Examiner states that the claims do not define the pixel value. Then, the Examiner states that the pixel value is defined in two different ways. In response, applicant has deleted one way pixel values are defined in claim 1 and has cancelled claim 10 (subject to being resubmitted in a continuation application). Pixel value is a known term in the art and, therefore, does not require further definition in the claim per se. For this reason, no further language is added to the claim.

At page 2, paragraph 1 of the office action, the Examiner raises a number of issues with respect to claims 1-17. In response, Applicant has modified claims 1-8 to clearly define the invention as providing a concrete, tangible result, while altering (decomposing, transforming, composing, and scaling) the processed signal values in a repeatable fashion. Applicant claims the algorithm in a way that does not foreclose all uses of the algorithm, but only its use in a repeatable, limited fashion to process pixel values.

Applicant also has amended claim 9 to clarify that, in accordance with standard claim drafting practice, the apparatus includes a processor configured to perform certain functions which are clearly defined in the specification. Certain additional functions which the processor is also configured to carry out are recited in newly submitted claims 18-22. These claims do not raise new issues after final because they use terminology that the Examiner has already explicitly conceded is supported in the specification, and the scope and language of the new claims are consistent with the scope and language of claims 1-8. Claims 10-17 are withdrawn.

The Examiner states that claims 1-17 are unpatentable as directed to non-statutory subject matter. Specifically, the Examiner states that they are directed to a method or apparatus for performing time domain to frequency domain transformation via a mathematical algorithm that is not limited to a practical application of the

mathematical algorithm. This rejection is respectfully traversed. During the interview conducted between applicant and the Examiner on January 16, 2007, the Examiner suggested that, while he did not agree that defining pixel values amounted to a practical application of the algorithm that properly limits the claims, he did believe the law currently supports compression and/or filtering of data as a practical application of an algorithm. In view of this, the Examiner is respectfully referred to paragraph [0003] of the present application where it is clearly stated that DCT (discrete cosine transform) processing is at the heart of compression processing. Further, the independent claims all clearly recite a scaling step. It is clear that the scaling step would result in data compression and that such compression is incorporated in the present application at, for example, paragraph [0004]. Therefore, it is respectfully submitted that the present application comprises claims that are consistent with the Examiner's interpretation of the law regarding what is required for a practical application of a mathematical algorithm.

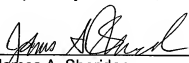
It is also respectfully submitted that the use of an algorithm to define pixel values does in fact comprise a practical application. It is clear from reading the entire specification that the algorithm disclosed and claimed herein to create an image that is a graphics object (see paragraph [0003] amounts to a practical application and tangible result of the present invention.

Finally, during the interview, the Examiner stated that the use of the phrase "processor configured to perform" certain functions did not sufficiently limit the apparatus claim 9 and that he was allowed to treat the apparatus claims in the same way as method claims. However, it is clear from paragraph [0024] of the present application that a processor, for purposes of this application, comprises a physical system by virtue of the examples that are provided in this paragraph, all of which are consistent with the physical embodiment of a processor as an apparatus. The same can be said at paragraph [0026], which states in no uncertain terms that the present invention is to be implemented using either general purpose or application specific processors. No statement or inference can be found in either of those paragraphs or elsewhere in the application indicating that the apparatus claims can be considered as anything except a physically manifested system.

Finally, the Examiner raises questions relative to claim 10, which is a claim directed to a computer readable medium. These issues have now been eliminated by the cancellation of all claims directed to a computer readable medium.

In view of these clear distinctions, reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,



James A. Sheridan
Registration No. 25,435
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)